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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/560,067	04/27/2000	Brian M. Mattson	MAT-P-99-002	2478

7590 07/02/2003

Patents+TMS
A Professional Corporation
Third Floor
1914 N Milwaukee Avenue
Chicago, IL 60647

EXAMINER

O'CONNOR, GERALD J

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 07/02/2003

/ 8

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/560,067

Applicant(s)
Mattson

Examiner
O'Connor

Art Unit
3627



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on March 11, 2003 (Supplemental Appeal Brief and Amdt "B").
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22, 24, 25, and 27-29 is/are pending in the application.
- 4a) Of the above, claim(s) 1-8 and 15-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-14, 21, 22, 24, 25, and 27-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on April 27, 2000 is/are a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

Art Unit: 3627

DETAILED ACTION

Preliminary Remarks

1. This Office action has been prepared in response to the amendment and supplemental appeal brief filed by applicant on March 7, 2003, in response to the prior Office action.
2. The cancellation of claims 23 and 26 by applicant in Paper N^o 17 is hereby acknowledged.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 9-14, 21-22, 24-25, and 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over CyberDiner Internet Cafe Systems, in view of the Blue Ginger webpage at the Boston Globe website.

CyberDiner Internet Cafe Systems comprises a restaurant, the restaurant having personal computers connected to the Internet for providing Internet access to restaurant patrons (thereby enabling the patrons to access Internet websites), the restaurant therefore inherently having within

Art Unit: 3627

it (at each patron's computer) an apparatus comprising: a transmission means, wherein the obvious, self-evident method of use is to input information into the apparatus to be transmitted remotely from the restaurant (to the Internet) by the transmission means; a receiving means; a display means connected to the apparatus that displays the information; a processing means; an input means (information being displayed simultaneously while it is input into the processing means); and, a network (to which the patron's computer is connected) remotely receiving the information from the apparatus, the network being the Internet; but CyberDiner Internet Cafe Systems, however, does not specifically disclose that the apparatus uses a wireless networking connection, nor does it specifically disclose that the information to be entered into the apparatus would comprise information concerning the restaurant, such as a review of the restaurant, nor does it disclose posting the entered information at a website outside of the restaurant for viewing by persons outside of the restaurant.

The Blue Ginger webpage at the Boston Globe website shows information concerning restaurants (reviews of restaurants) that has been entered into the Internet and posted at the website by patrons of a restaurant, though the information was not necessarily entered into the Internet and posted at the website in real-time while the restaurant patron was still in the restaurant being served and consuming the food and drink of the restaurant.

It would have been obvious to one of ordinary skill in the art, at the time of the invention, to have used the system and method of CyberDiner simultaneously with the system and method of the Blue Ginger webpage at the Boston Globe, so as to post a review of the CyberDiner restaurant

Art Unit: 3627

on the Internet using the Internet access of the CyberDiner establishment to do so, in order to post the review of the restaurant as quickly as possible, with the dining experience still fresh in the mind of the reviewer.

Response to Arguments

5. Applicant's arguments filed March 7, 2003 have been fully considered but they are not persuasive.

6. Applicant's arguments with respect to claims 9-14, 21-22, 24-25, and 27-29 have been considered but are moot in view of the new ground(s) of rejection.


Conclusion

7. The prior art made of record and not relied upon is considered pertinent to the disclosure.

8. Any inquiry concerning this communication, or earlier communications, should be directed to the examiner, Jerry O'Connor, whose telephone number is (703) 305-1525, and whose facsimile number is (703) 746-3976.

GJOC

June 30, 2003

 6/30/03
ROBERT P. OLSZEWSKI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600